

Interim Zoning

It is the intent of the Montana Association of Counties to seek legislation to amend the current interim zoning statute to make the procedure clearer.

WHEREAS, it has become increasingly necessary for county commissioners to have the power to zone for an interim period of time; and

WHEREAS, 76-2-206 does not specify a procedure county commissioners must follow before adopting interim zoning; and

WHEREAS, counties are being sued to challenge the procedure used when a county utilizes 76-2-206; and

WHEREAS, the comparable statute for municipal interim zoning found in 76-2-306 exempts the adoption of an interim zoning ordinance from preliminary procedures otherwise required for the adoption of a zoning ordinance, but specifies a noticed hearing must first be held before adoption.

NOW, THEREFORE, BE IT RESOLVED, a section be added to 76-2-206 making it clear the procedures found in 76-2-205 for adoption of zoning regulations and boundaries need not be followed, but prior to adopting interim zoning a hearing must first be held with at least a 48-hour notice given.

SPONSOR: Land Use Committee

RECOMMENDATION: Do Pass

PRIORITY: High

REFERRED TO: Land Use Committee

ADOPTED: Annual Conference, Hamilton, MT September 24, 2008